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AUG 14 1940

U. S. DEPARTMENT OF AGRICULTURE

FDO 74

AUGUST 6, 1943

WAR FOOD ADMINISTRATION

[FDO 74]

PART 1405—FRUITS AND VEGETABLES

ELBERTA PEACHES GROWN IN OREGON OR WASHINGTON

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of peaches produced in the States of Oregon and Washington, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.18 *Restrictions relative to the shipment of peaches—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "peaches" means fresh Elberta peaches, including any and all strains of the Elberta variety of peaches, grown in the State of Oregon or in the State of Washington.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) The term "ship" means to convey peaches or to cause such peaches to be conveyed by railroad, truck, boat, or any other means whatsoever, from a point within Oregon and Washington to a point without Oregon and Washington. The conveyance or transportation of peaches from Oregon to Washington, or vice versa, is not within the meaning of the term "ship."

(4) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) No person (other than a carrier of peaches for another person) may, during any calendar year, except pursuant to (b) (2), (b) (3), or (f) hereof, ship any peaches in excess of 100 percent of the quantity of peaches shipped by such person in 1942: *Provided*, That any person who, prior to the effective time of this order, has shipped in excess of the quota herein prescribed shall not be deemed, on account of such shipments heretofore made, to have violated the provisions of this order, but any shipment hereafter by any such person will be in violation of the provisions hereof, except such shipment as may be

made pursuant to (b) (2), (b) (3), or (f) hereof.

(2) The Director may authorize any person to ship a particular lot of peaches if (i) the peaches are not suitable for canning or freezing; (ii) canning or freezing facilities are not accessible; or (iii) for any other reason which the Director determines is necessary in order to effectuate the purposes of this order.

(3) The Director may, if he determines that such will tend to effectuate the purposes of this order, issue general authorizations, from time to time, authorizing the shipment of certain grades or sizes of peaches produced in a designated area, and the quantity or quantities thereof which may be shipped.

(4) The Director may, if he determines that such will tend to effectuate the purposes of this order, prescribe the minimum grade of all peaches which may be shipped.

(5) Each person, prior to making each shipment of peaches, shall, when the Director so prescribes and announces, cause each such shipment to be inspected by a duly authorized representative of the Federal-State inspection service; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Food Distribution Administration, War Food Administration, Room 210, Mayer Building, Portland, Oregon, the Federal-State shipping point inspection certificate with respect to each shipment of peaches by such person, which certificate shall set forth such information as may be required by the Director with respect to the variety, grade, or size of the peaches contained in such lot or shipment.

(6) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of peaches of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from and require such re-

ports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in peaches.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance here with would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Director, War Food Administration, serving the area (8 F.R. 9315), in which the peaches, subject to the restrictions hereof, are located. Petition for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using peaches, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be re-delegated by him to any employee of the United States Department of Agriculture.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Food Distribution Administration, War Food Administration, Room 210, Mayer Building, Portland, Oregon.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 9, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 6th day of August 1943.

MARVIN JONES,
War Food Administrator.

Press Release, Immediate:
Friday, August 6, 1943.

Interstate shipments of Elberta peaches from Oregon and Washington are being restricted by the War Food Administration to help assure canners of adequate supplies to meet heavy military and civilian requirements for canned peaches.

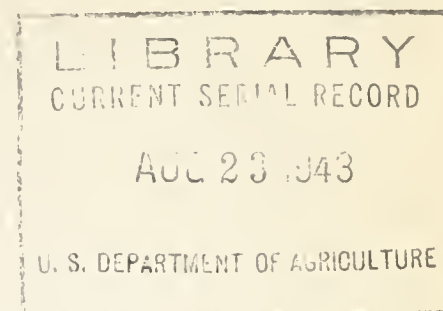
The action, which was taken in Food Distribution Order 74, restrains shippers in the two Northwest Pacific Coast States from shipping more Elberta peaches out of state for fresh consumption than they shipped out of state in 1942. The order is effective August 9, 1943.

The WFA said the restrictions are necessary because there is a heavy demand for the relatively short fruit supplies. Without control over shipments, a disproportionate share of fruit would be marketed in fresh form, and processors would be unable to obtain sufficient supplies.

7337
Cap. 4

FDO 74-1

AUGUST 7, 1943



WAR FOOD ADMINISTRATION

[FDO 74-1]

PART 1405—FRUITS AND VEGETABLES

ELBERTA PEACHES GROWN IN OREGON OR WASHINGTON

Pursuant to the authority vested in me by Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942; Executive Order No. 9322, dated March 26, 1943; and Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered*, as follows:

§ 1405.19 *Delegation of authority—*
(a) *Definitions.* (1) When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, the term "order" means Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943.

(2) Each term defined in Food Distribution Order No. 74-1 shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 74.

(b) *Authority delegated.* In accordance with the provisions of § 1405.18 (g) of the order, there is hereby delegated to Merritt A. Clevenger, as Order Administrator, and Donald R. Rush and Harold A. Brock, as Deputy Order Administrators, the following authority to administer, in the respects hereinafter stated, the aforesaid order:

(1) The aforesaid Order Administrator may, after having received in each instance prior approval by the Chief or Acting Chief of the Fruit and Vegetable Branch, Food Distribution Administration, War Food Administration, issue general authorizations in accordance with the provisions of § 1405.18 (b) (3) of the order, and may, after having received in each instance prior approval as aforesaid, prescribe, in accordance

with the provisions of § 1405.18 (b) (4) of the order, the minimum grade of all peaches which may be shipped pursuant to such order.

(2) The aforesaid Order Administrator may exercise the authority conferred on the Director by the provisions of § 1405.18 (b) (5) and § 1405.18 (c) of the order.

(3) The aforesaid Order Administrator or any Deputy Order Administrator may exercise the authority conferred on the Director by the provisions of § 1405.18 (b) (2) of the order.

(c) *Effective date.* The provisions hereof shall become effective at 12:01 a. m., e. w. t., August 9, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 74, 8 F.R. 10969)

Issued this 7th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

Press Release, Immediate:
Saturday, August 7, 1943.

Merritt A. Clevenger, West Coast regional director of the Food Distribution Administration, will serve as administrator for Food Distribution Order 74, which restricts the interstate shipment of Elberta peaches from Oregon and Wash-

ington for fresh consumption. Donald R. Rush, of the San Francisco FDA office, and Harold A. Brock, of the Portland FDA office, were designated as deputy order administrators.

The order restricts Washington and Oregon shippers from shipping more Elberta peaches out-of-state for fresh

consumption this year than they shipped for this purpose in 1942.

Growers or shippers desiring information concerning the regulations on Elberta peach shipments are requested to communicate with Harold A. Brock, deputy order administrator, Food Distribution Administration, 210 Mayer Building, Portland, Oregon.



AUGUST 23, 1943

WAR FOOD ADMINISTRATION

[FDO 74-2]

PART 1405—FRUITS AND VEGETABLES

SHIPMENTS OF ELBERTA PEACHES GROWN IN
OREGON OR WASHINGTON

Pursuant to the authority vested in me by Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942; Executive Order No. 9322, dated March 26, 1943; and Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders: *It is hereby ordered*, As follows:

§ 1405.24 *Reports in connection with shipments of Elberta peaches*—(a) *Defi-*

nitions. Each term defined in Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943, shall, when used herein, have the same meaning as set forth for such term in said Food Distribution Order No. 74.

(b) *Reports.* (1) Each shipper shall report to the Director on or before August 31, 1943, the total quantity of peaches shipped by the respective shipper during the calendar year of 1942.

(2) Each shipper shall report to the Director on or before August 31, 1943, the total quantity of peaches shipped by the respective shipper during the period beginning on January 1, 1943, and ending on August 21, 1943.

(3) The reports required by the provisions hereof shall be addressed in accordance with the provisions of § 1405.18 (h) of Food Distribution Order No. 74.

(4) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 24, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 74, 8 F.R. 10969)

Issued this 23d day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

Press Release Immediate:
Tuesday, August 24, 1943.

The War Food Administration today called on Washington and Oregon shippers of Elberta peaches to file reports of the interstate shipments which they made in 1942, and since the beginning of

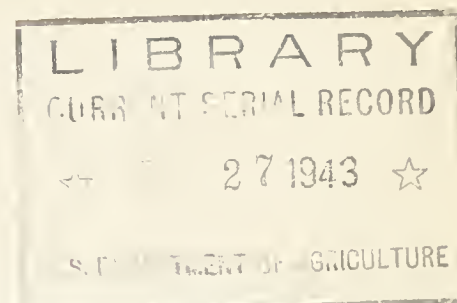
the marketing season this year through August 21.

The reports, which are required under Food Distribution Order 74, will be used in establishing quotas for Elberta peach shippers. They are to be submitted to: Harold A. Brock, deputy order administrator, 210 Mayer Bldg., Portland, Oregon, by August 31, 1943, the WFA said.

Food Distribution Order 74 restricts Washington and Oregon from shipping more Elberta peaches out of state this year than they did in 1942. The measure was necessary to prevent the undue diversion of these peaches from canning to fresh market outlets because of the need for the process fruit to meet urgent government requirements.

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FDO 74

TERMINATION
DEC. 13, 1943


WAR FOOD ADMINISTRATION

[FDO 74, Termination]

PART 1405—FRUITS AND VEGETABLES

SHIPMENT OF ELBERTA PEACHES GROWN IN OREGON OR WASHINGTON

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, as further amended by Executive Order No. 9392, dated October 28, 1943, it is hereby ordered as follows:

That Food Distribution Order No. 74 (8 F.R. 10969), issued by the War Food

Administrator on August 6, 1943, Food Distribution Order No. 74-1 (8 F.R. 11018), issued by the Director of Food Distribution on August 7, 1943, and Food Distribution Order No. 74-2 (8 F.R. 11607), issued by the Director of Food Distribution on August 23, 1943, relative to the shipment of Elberta peaches grown in the State of Oregon or in the State of Washington, be, and the same are hereby, terminated, at 12:01 a. m., P. w. t. December 15, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 74, or under the respective orders issued by the Director of Food Distribution in

pursuance thereof, prior to the effective time of this order, all provisions of said Food Distribution Order No. 74 and of said Director's orders in effect prior to this order shall be deemed in full force and effect for the purpose of sustaining any proper action, suit, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 13th day of December 1943.

WILSON COWEN,
Assistant War Food Administrator.

War Food Administration, Summary of Termination to FDO 74.

Food Distribution Order 74 and Director Food Distribution Orders 74.1 and 74.2 will be terminated December 15, 1943.

FDO 74, which has been in effect since

August 9, 1943, limits Oregon and Washington shippers of Elberta peaches to interstate shipments not exceeding the quantities they shipped out-of-state for fresh consumption during 1942.

FDO 74.1 named the order administrator and deputy order administrators

which administered FDO 74 while FDO 74.2 required peach shippers to file reports of interstate shipments of Elberta peaches which they made in 1942 and through August 21, 1943. Both FDO 74.1 and FDO 74.2 will be terminated along with FDO 74.



WAR FOOD ADMINISTRATION

[Special Regulation]

MEAT RESTRICTION ORDER
MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of Executive Order 9280, dated December 5, 1942, Executive Order 9322, dated March 26, 1943, and Executive Order 9334, dated April 19, 1943, and to implement the administration and enforcement of Restriction Order 1, as amended (7 F.R. 7839; 8 F.R. 3201, 3328, 3372, 3416, and 4151), the administration of which has been transferred from the Office of Price Administration to the United States Department of Agriculture (8 F. R. 4151), Restriction Order 1, as amended, is further amended as follows:

1. By adding at the end of § 1407.901 thereof (8 F.R. 3201, 4151), the following subparagraph:

(1) "Custom slaughter" means the slaughter of livestock for the owner by any person other than such owner.

2. By adding at the end of § 1407.903 (a) thereof the following:

* * * except that for a slaughterer located in the States of Arizona, California, or Nevada, the quota for lamb and mutton for Quota Period 3 shall be the conversion weight obtained by multiplying the quota base for lamb and mutton by 100 per cent.

3. By amending § 1407.904 (a) (8 F.R. 3201, 3417, 4151) to read as follows:

(a) Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no non-quota slaughterer shall, during any quota period, deliver more controlled meat of any type obtained from livestock owned by him at the time of slaughter than is obtained from livestock so owned by him which he may slaughter or have slaughtered for delivery of meat in accordance with the provisions of Food Distribution Order 27, as amended (8 F.R. 2785, 4227, 5700).

4. By amending § 1407.904 (b) thereof to read as follows:

(b) Any deliveries by a non-quota slaughterer of any type of controlled meat derived from livestock owned by

him at the time of slaughter in excess of deliveries permitted by paragraph (a) of this section for any quota period shall be charged against his restricted deliveries of such type of controlled meat for the subsequent quota period, and in addition thereto shall subject the non-quota slaughterer to such other actions, penalties or proceedings as may be prescribed by law or imposed pursuant to this order.

5. By deleting § 1407.904 (c) and (d).

6. By deleting the period at the end of § 1407.906 (a) and inserting in lieu thereof, "and" and adding thereafter the following new paragraph:

(7) The conversion weight of meat of such type delivered by him which was derived from livestock custom slaughtered by him and not subtracted under § 1407.906 (a) (5) of this order. In all cases where this provision will have the effect of changing a quota base for Base Periods 1, 2, 3, or 4, a statement of the new quota base or quota bases, adjusted in accordance with this provision, shall be forwarded to the War Food Administration, United States Department of Agriculture, not later than June 20, 1943. Quota bases computed in accordance with the provisions of this paragraph shall become effective July 1, 1943. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

7. By adding at the end of § 1407.912a thereof (8 F.R. 3372, 4151) the following new paragraph:

(k) *Deliveries of controlled meat derived from custom slaughter.* In computing the conversion weight of controlled meat delivered during a quota period without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of controlled meat derived from livestock custom slaughtered for another person who has a slaughter quota under Food Distribution Order 27, as amended, and delivered to such other person during such quota period: *Provided, however,* That no slaughterer shall so include the conversion weight of such controlled meat unless, not later than the

close of the quota period in which such delivery is made, he obtains from the person to whom such controlled meat is delivered, a certification signed by such person acknowledging delivery of the controlled meat and setting forth the following:

(1) The name and address of the slaughterer;

(2) The name and address of the person or persons to whom delivery was made;

(3) The date or dates of delivery;

(4) The total weight of each type of controlled meat covered by such certification; and

(5) A description thereof permitting conversion in accordance with the provisions of § 1407.913.

By adding immediately after § 1407.914a, the following new section:

§ 1407.914b *Markings required on meat.* (a) Effective May 31, 1943, each accessible wholesale cut of meat, whether in the entire carcass or detached therefrom, shall, prior to delivery, be marked in a plain and conspicuous manner one or more times as hereinafter directed. This requirement shall not apply to meat transferred by a slaughterer to a unit or department of the slaughterer for use in the preparation, manufacture, or production of any product or commodity other than controlled meat.

In the case of veal carcasses delivered with the skin on, marks shall be placed on the hind shanks and brisket.

Marks may be made with a pencil approved for Kosher marking or with a stamp or stencil and marking fluid conforming to the approved formula for violet branding fluid, which is as follows:

	Ounces
Water.....	3.5
Grain alcohol—95%.....	2.5
Cane sugar.....	1.0
Methyl violet.....	0.1

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

(1) Where the slaughterer's establishment has been assigned an establishment number by a federal, state, county or city inspecting authority, he shall use the number so assigned.

(2) Where the slaughterer's establishment has no establishment number assigned by an inspecting authority, marks shall be made, in letters at least one-quarter inch in height and width, with a number which will be assigned to him

upon application by him to the War Food Administration, United States Department of Agriculture.

Saving clause. No amendment made herein shall be construed to affect any suit, action, prosecution, penalty, or administrative or other proceeding, regardless of when commenced, or any judgment, order, decree, or verdict, regardless of when made, entered, or returned, with respect to any violation committed or liability incurred under the terms of

Restriction Order 1, as originally issued or subsequently amended prior to May 29, 1943

This order shall become effective May 29, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 26th day of May 1943.

[SEAL] JESSE W. TAPP,
Acting War Food Administrator.

Press Release Immediate:
Thursday, May 27, 1943.

Several adjustments in industry operations relating to the slaughter of livestock were announced today by the War Food Administration. The changes do not affect civilian meat supplies.

Under Food Distribution Order No. 27 and Federal Meat Inspection Regulations all persons slaughtering meat animals, except quota slaughterers not operating under Federal inspection, were required to mark their meat so as to identify the person for whom it was slaughtered. This identification may be either an inspection stamp or the permit number of the farmer, butcher, or local slaughterer for whom the meat was slaughtered.

Under today's ruling, contained in an amendment to Meat Restriction Order No. 1, all quota slaughterers will be required, beginning May 31, to stamp each wholesale cut of meat with a city, county, state, or Federal inspection number. If they do not have such an inspection number, they are required to stamp each such cut with a number to be obtained by applying to the War Food Administration, Washington, D. C.

In the past, provisions of Meat Restriction Order No. 1 permitted quota slaughterers to deliver without charge against their quotas any meat custom slaughtered for other quota slaughterers. However, any meat delivered to non-quota slaughterers (farm slaughterer, butcher, or local slaughterer) was

charged against the quota of the person doing the slaughtering and also the person for whom the slaughtering was done.

Today's action eliminates this duplication. It provides that a quota slaughterer may custom slaughter livestock for any person having a quota under the livestock permit order (Food Distribution Order No. 27) if he receives a certification acknowledging the delivery of the meat.

At the present time quota slaughterers are allowed to include in their quota bases the meat which they custom slaughtered for persons other than quota slaughterers (farm slaughterers, butchers, and local slaughterers). Today's amendment provides that after July 1, a slaughterer's quota base will exclude all of the meat which he custom slaughtered during the 1941 base period. Therefore, those who did any custom slaughtering in 1941 are being asked to submit revised quota base figures for all four quarters of the base period. These must be forwarded to the War Food Administration at Washington, D. C., not later than June 20.

Deliveries of meat by non-quota slaughterers have been restricted by Meat Restriction Order No. 1, while the slaughter of livestock by non-quota slaughterers has been limited by Food Distribution Order No. 27. In certain instances, the quantity of meat which could be delivered was not on the same level as the amount of livestock which

could be slaughtered. To place slaughter and delivery on the same basis, today's amendment provides that a non-quota slaughterer may deliver all of the meat obtained from livestock legally slaughtered under the provisions of Food Distribution Order No. 27.

Today's amendment also affirms the recent action which permitted quota slaughterers in California, Arizona, and Nevada to deliver during present quarter (April through June) 100 percent of the quantity of lamb and mutton delivered in the corresponding period in 1941. In all other states the percentage remains at 70 percent. The quota increase in the three states was designed to facilitate the marketing and slaughter of the large lamb crops in that area where additional meat supplies were needed badly and also to relieve transportation facilities.

Officials emphasized that today's action does not affect the provisions, covering custom slaughterers, in maximum price regulations issued by the Office of Price Administration. Under the terms of OPA's Revised Maximum Price Regulations, custom slaughterers are required to remit an amount sufficient to make the cost of dressed beef or veal carcasses, or wholesale cuts from them, equal to, or less than, what the cost would be if the purchaser bought the carcass or cuts at the slaughterer's maximum. The provision of the Revised Maximum Price Regulation relating to pork is similar. There is no such provision in the lamb and mutton price ceilings.